

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILIP SABATINO OGNIBENE,

Plaintiff,

vs.

PHILIP SABATINO LAGORI, *et al.*,

Defendant.

Case No.: 2:12-CV-01307-RCJ-GWF

**ORDER OF DISMISSAL WITHOUT
PREJUDICE PURSUANT TO LOCAL
RULE 41-1**

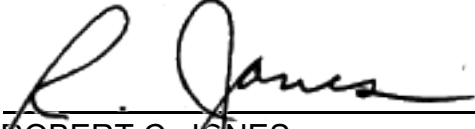
On November 26, 2014 a Status Conference was held in this matter. Counsel stated that settlement had been reached for all matters except for the Cross Claim of Signature Bank against Philip Lagori. The Court gave notice to Signature Bank that they may file a proposed Default Judgment within 15 days or this matter would be dismissed without prejudice as to the Cross Claim. Signature Bank has not complied with the Notice within the allotted time.

“Before dismissing the action, the district court is required to weigh several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal.

Plaintiff has failed to show good cause why this action should not be dismissed without prejudice for want of prosecution pursuant to Local Rule 41-1.

1 IT THEREFORE ORDERED that the Cross-Claim action is DISMISSED without
2 prejudice for Signature Bank's failure to comply with the Court's Notice of Intention to Dismiss
3 pursuant to Local Rule 41-1 (Doc #70). The Clerk of the Court shall enter judgment
4 accordingly and close the case.

5 DATED this 7th day of January, 2015.
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10 ROBERT C. JONES
11 United States District Judge
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